

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-453-RJC
(3:05-cr-46-RJC-DSC-2)**

CURTIS ARNOLD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court on consideration of Respondent's motion to stay disposition of this § 2255 proceeding pending the Fourth Circuit's decision following rehearing en banc in Whiteside v. United States, 741 F.3d 541 (4th Cir. 2014). The Fourth Circuit granted the Government's motion for rehearing en banc and has calendared oral argument for September 18, 2014. Whiteside v. United States, 2014 U.S. App. LEXIS 13277 (4th Cir. July 10, 2014); Whiteside v. United States, No. 13-7152 (4th Cir. July 14, 2014). Based on the foregoing, the Court finds that this § 2255 proceeding should be stay pending the Fourth Circuit's en banc decision in Whiteside v. United States.

IT IS, THEREFORE, ORDERED that the Government's motion to stay disposition of this case is **GRANTED**, (Doc. No. 25), and this case is **STAYED** pending the Fourth Circuit's en banc decision in Whiteside v. United States.

IT IS SO ORDERED.

Signed: September 12, 2014



Robert J. Conrad, Jr.
United States District Judge

